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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,436	03/23/2004	Takahiro Kaneko	87283/03	1670

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EXAMINER	
GELIN, JEAN ALLAND	

ART UNIT	PAPER NUMBER
2617	

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05/27/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/806,436	KANEKO, TAKAHIRO	
	Examiner	Art Unit	
	JEAN A. GELIN	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 May 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,7-12 and 14-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4, 7-12, and 14-30* is/are rejected.

7)☒ Claim(s) *29, 30* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/05/09 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-4, 7, 9-12, 14, and 17-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiyomoto (US 7,003,315) in view of Arimitsu (US 2004/0192224) further in view of Budrikis (US 4,554,656).

Regarding claims 1, 20, 21, 23, and 27, Kiyomoto teaches a wireless communication terminal (dual mode terminal in fig. 2), comprising: an operating unit such as input unit 14; reception field level detecting means for detecting the field level of a received radio wave including a determination of whether the threshold field level has been detected (i.e., detecting signal quality to check whether the detected signal quality

satisfies predetermined conditions, col. 2, lines 1-26); a control unit for controlling the terminal (i.e., the terminal detects the received field strength and the control unit compares the RSSI and Ec/Io with threshold values Ar and Ae, col. 5, line 37 to col. 6, line 5), a storage unit for storing the detected threshold field level(memory 13); a display unit and a speaker unit (fig. 2); a plurality of wireless communication units for matching communication systems, including a first communication that is currently selected each of the plurality of wireless communication units respectively matching a different communication system (i.e., AMPS and CDMA, col. 7, lines 7-30), and switch-over means for switching over one to another of the wireless communication units (i.e., controller 12 includes a system selection control), wherein: the terminal selects one of the communication systems on the basis of the reception threshold field level of a first communication system that is currently selected and that of another second communication system (col. 6, line 35 to col. 7, line 27). Kiyomoto further teaches a prescribed operation used to control the detection of the second system signal strength (i.e., a controller includes a microcomputer to execute programs and perform selection of system having a high priority order of selection in accordance with a list registered beforehand).

Kiyomoto teaches the terminal issues a notice signal when the second communication system has priority and communication with the second communication system is possible.

However, the preceding limitation is known in the art of communications. Arimitsu teaches the mobile terminal decides priorities to be applied to selection of network

systems, the mobile terminal performs switching of the network system from the present network system to new network system designated by the network system being used and thereafter continues communicating operations under control of the new network system. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Arimitsu within the system of Kiyomoto in order that the mobile terminal can decides when to switch from the present network to a new network system based on strength of signal reception levels provided by other networks.

Kiyomoto in view of Arimitsu fails to specifically teach if the terminal is busy with a call at a prescribed time, the terminal is scheduled to initiate execution of reception; if the terminal is not busy the terminal initiates execution of reception.

However, the preceding limitations are known in the art of communications. Budrikis teaches upon detecting that the channel is busy, scheduling to transmit packet; if the channel is not busy, the source begins to transmit packet (col. 6, lines 26-67). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Budrikis within the system of Kiyomoto in view of Arimitsu in order to schedule the transmission of packet when the channel is not busy, and avoid the collision of packets in the communication.

Regarding claim 2, Kiyomoto in view of Arimitsu further in view of Budrikis teaches all the limitations above. Kiyomoto further teaches the terminal initiates execution detection of the reception of the threshold field level of the second communication system when the reception of the threshold field level of the first

communication system that is currently selected has become equal to or below a first threshold (col. 7, lines 7-50).

Regarding claims 3, 4, Kiyomoto in view of Arimitsu further in view of Budrikis teaches all the limitations above. Kiyomoto further teaches the terminal selects the second communication system when the reception of the threshold field level of the first communication system is equal to or below a second threshold that is lower than the first threshold and communication with the second communication system is possible (col. 7, line 45 to col. 8, line 23).

Regarding claim 7, Kiyomoto in view of Arimitsu further in view of Budrikis teaches all the limitations above. Kiyomoto further teaches the terminal selects the second communication system has priority and communication with the second communication system is possible (col. 8, lines 13-54).

Regarding claim 9, Kiyomoto in view of Arimitsu further in view of Budrikis teaches all the limitations above. Kiyomoto further teaches the terminal executes detection of the reception of the threshold field level of the first communication system at prescribed intervals of time (col. 5, line 57 to col. 6, line 25).

Regarding claim 10, Kiyomoto in view of Arimitsu further in view of Budrikis teaches all the limitations above. Kiyomoto further teaches detecting the quality of the signal for selection of system. Kiyomoto fails to teach a detection unit for detecting a prescribed operation of the terminal wherein: when the prescribed operation is done at the terminal, the terminal executes detection of the reception field level of the second communication system. (col. 5, line 57 to col. 6, line 25, and cos. 7-8).

Regarding claim 11, Kiyomoto in view of Arimitsu further in view of Budrikis teaches all the limitations above. Kiyomoto further teaches the terminal selects the second communication system when communication with the first communication system is impossible and communication with the second communication system is possible (cols. 7-8).

Regarding claim 12, Kiyomoto in view of Arimitsu further in view of Budrikis teaches all the limitations above. Kiyomoto further teaches the terminal determines possibility or impossibility of communication according to a prescribed threshold (col. 5 and cols. 7-8).

Regarding claim 14, 22, and 28, Kiyomoto in view of Arimitsu further in view of Budrikis teaches all the limitations above. Kiyomoto further teaches the terminal selects the second communication system when the second communication system has priority and communication with the second communication system is possible (cols. 7-8).

Regarding claim 16, Kiyomoto in view of Arimitsu further in view of Budrikis teaches all the limitations above. Kiyomoto further teaches the terminal is foldable (typical in conventional cellular phone).

Regarding claims 17, 24, Kiyomoto in view of Arimitsu further in view of Budrikis teaches all the limitations above. Kiyomoto further teaches the prescribed operation is an operation to unfold the terminal (i.e., unfold the cellular phone to receive/transmit a call, typical in conventional phone).

Regarding claims 18, 25, Kiyomoto in view of Arimitsu further in view of Budrikis teaches all the limitations above. Kiyomoto further teaches the prescribed operation is an operation on the operating unit (i.e., dialing a number using the input unit 14).

Regarding claims 19, 26, Kiyomoto in view of Arimitsu further in view of Budrikis teaches all the limitations above. Kiyomoto further teaches a specific key (such power on/off or talk/end call are typical keys for cellular phone illustrated in fig. 2), wherein: the prescribed operation is an operation on the specific key (i.e., pressing the end key).

4. Claims 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiyomoto (US 7,003,315) in view of Arimitsu (US 2004/0192224) further in view of Budrikis, and further in view of Williams et al. (US 6,363,246).

Regarding claims 8, 15, Kiyomoto in view of Arimitsu further in view of Budrikis teaches a display unit (15) and a speaker unit (10). Kiyomoto in view of Arimitsu further in view of Budrikis does not specifically teach a notice signal is at least either a display on the display unit or a sound emitted by the speaker unit.

However, the preceding limitation is known in the art of communications. Williams teaches an interface that controls light emitting diodes which are used to indicate to the user which system the PCC is currently receiving; for example a system identifier may appear in the display of the PCC 101 to indicate the user which system he is in (col. 4, lines 17-39, col. 11, lines 33-44, and col. 12, lines 31-42). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Williams within the system Kiyomoto in view of Arimitsu further in view of Budrikis in order that the indication enables the user to determine

which system he is in and decide whether he wishes to complete a radiotelephone in the indicated system.

Allowable Subject Matter

5. Claims 28 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEAN A. GELIN whose telephone number is (571)272-7842. The examiner can normally be reached on 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jean A Gelin/
Primary Examiner, Art Unit 2617
May 26, 2009